



SBA FORM 355 APPLICATION FOR SMALL BUSINESS SIZE DETERMINATION

Carefully read these instructions and the SBA Size Regulations before completing this form.
Applications not fully completed will not be accepted.

General Instructions

1. This application should be used by anyone seeking a size determination for the purpose of receiving assistance available to small businesses under any program administered by this Agency, except for the SBIC program which utilizes SBA Form 480. A small business is a concern which is independently owned and operated, not dominant in its field of operation, and does not exceed the size standard applicable to the procurement or program for which the business is applying.
2. SBA is authorized to make size determinations pursuant to the Small Business Act and regulations thereunder for the purpose of deciding small business protests and to determine eligibility for program assistance. SBA's size regulations are found generally at Title 13, Code of Federal Regulations, Part 121. SBA may, at its discretion, request additional relevant information not specifically identified on this form.
3. The original and one copy of SBA Form 355, with additional sheets attached as needed, should be returned to the SBA Area Government Contracting or Disaster Office closest to the applicant's principal place of business. The person signing this form must be authorized by the applicant to do so. Non-employee representatives of the applicant, such as attorneys or accountants, must provide a letter authorizing them to represent the firm for this purpose. All information requested must be supplied. Failure to do so will cause a delay in making the size or status determination.
4. All possible affiliates of the applicant, whether acknowledged or not, and whether foreign or domestic, must be included in completing this form. SBA criteria for defining affiliates should be carefully reviewed, and can be found at Part 121.103 of the Regulations. Completion of Parts IV and V of this form does not constitute an admission that the concerned entities are affiliated.
5. Where the applicable size standard involves "number of employees," a concern's average employment for the 12 months preceding the application or offer is examined, including all employees of both domestic and foreign affiliates, and including persons employed on a full-time, part-time, temporary or other basis. See Part 121.106 of the Regulations. For purposes of Economic Injury Disaster Loans, the 12 months preceding the disaster are examined.
6. Where the applicable size standard involves "annual receipts," a concern's annual receipts mean total income (or gross income in the case of a sole proprietorship) plus the cost of goods sold, as reported to the Internal Revenue Service on its Federal Income Tax Return. See Part 121.104 of the Regulations.
7. In some cases, SBA must determine the primary business activity of a concern as part of its size determination process. In making that determination, consideration is given to various criteria, such as distribution among a firm's activities of receipts, employment, and costs of doing business.
8. For purposes of this form, consider principal stockholders as those persons or concerns which own 10 or more percent of the voting stock. In cases where no individual or concern owns at least 10 percent of the voting stock, the five largest stockholders and their percentages of stock must be listed.
9. Where certain financial assistance programs are involved, applicants must include the county in which they are located, and state whether the funds to be received will be utilized in a Labor Surplus Area. Labor Surplus Areas are defined in the Department of Labor publication "Area Trends." See Part 121.301(e) of the Regulations.
10. Certain industries require special additional information. Consult the Size Standards Table and its footnotes at Part 121.201 of the Regulations. These special industries are:

Depository Institutions (SICs 6021, 6022, 6029, 6035 or 6036)
Dredging and Surface Cleanup Activities (SIC 1629)
Conference Management Services (SIC 8741, part)
Petroleum Refining (SIC 2911)

Tires and Inner Tubes (SIC 3011)
Real Estate Agents and Managers (SIC 6531)
Travel Agencies (SIC 4724)
Food Canning and Preserving (SIC 2033)
Advertising (SICs 7311-19)
Electric Services (SIC 4911)

SBA Form 355 (9-96) Previous Edition is Obsolete

**SMALL BUSINESS ADMINISTRATION
APPLICATION FOR SMALL BUSINESS SIZE DETERMINATION**

Part I. Information relating to Applicant Only:

- 1a. Name and address of applicant:
(Street, City, State & Zip Code)
- 1b. Name and title of person authorized to provide more information:

Telephone No.: _____

- 1c. Located in _____ county.
If determination is needed for a financial assistance program other than surety bond guarantee, will assistance funds be used in a labor surplus area?
_____ Yes _____ No
- 1d. Size/Status Determination requested for purpose of receiving:
Business Loan _____ Section 8(a) Eligibility _____
Econ. Injury Disaster Loan _____ Section 8(a) Contract _____
Cert. of Competency _____ Surety Bond Guarantee _____
Gov't. Prime Contract _____ Women-Owned Status _____
Gov't. Subcontract _____ Other (Specify) _____

- 1e. Date applicant's business was established or incorporated: _____ .
Note: If applicant is a corporation, a copy of its latest annual report to stockholders, by-laws, and articles of incorporation must be attached to this application. If applicant is a partnership, a copy of the Partnership Agreement must be attached.

- 1f. Overall primary business activity (including Standard Industrial Classification (SIC) Code):
- 1g. Has applicant previously been the subject of a formal SBA size determination? _____ Yes _____ No. If yes, by which SBA office?
_____ When? _____

2. Applicant's major products or services:

Product/Services	Standard Industrial Classification (SIC) Code	Share of Sales or Receipts for most recently completed fiscal year	
		% of total sales	Dollar value
(1)			
(2)			
(3)			
(4)			
(5)			

3. Does applicant issue or operate under a franchise, license, or other contractual agreement with another concern?
_____ Yes _____ No. If answer is yes, a copy of the agreement must be attached.

4. Name & address of owner, partners, & principal stockholders of applicant: (Street, City, State & Zip Code) (Partnerships must denote all general partners.)
- % of voting stock
or of business owned

5. Names & addresses of all Officers of applicant
- Office(s) held in applicant.

6. Names & addresses of all Directors of applicant (if a corporation).

7a. Are any stock options outstanding? _____ Yes _____ No. If yes, identify person or concern holding option(s) on attached sheet and furnish a copy of agreement(s).

7b. Is the stock held by a lender or other party as pledged collateral? _____ Yes _____ No. If yes, attach a copy of the agreement.

7c. Is any stock voted under a proxy agreement, a trust or voting trust? _____ Yes _____ No. If yes, attach a copy of the agreement or trust, together with any explanatory material.

8. Has applicant agreed to combine with or merge with another concern in the future by sale of stock or assets? _____ Yes _____ No. If yes, furnish details and copies of applicable documents.

9a. Is applicant or any of the persons listed in questions 4, 5 or 6 above an owner, partner, director, officer, employee or principal stockholder in any other concern(s)? _____ Yes _____ No. If yes, complete section 9b below.

9b.	Names of Individuals	Names of concerns and addresses (Street, City, State & Zip Code)	Position held	% of voting stock or of business owned
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Part II. Information relating to employee-based size standards.

10. Applicant's number of employees. (See instructions for definition of term "number of employees.") _____

Part III. Information relating to revenue-based size standards.

11. What is the applicant's fiscal year ending date? _____

12. Total sales or receipts of applicant for each of its most recently completed three fiscal years as of the date of application or offer. For the purpose of Economic Injury Disaster Loans, show the sales for the three fiscal years completed prior to the disaster.

19 _____	\$ _____
19 _____	\$ _____
19 _____	\$ _____
Total _____	\$ _____

Part IV. Information relating to alleged, acknowledged, or possible affiliates of applicant, including those firms listed under Part I, item 9b.

13. Affiliates of applicant: (domestic and foreign)

NOTE: For each concern which is a corporation, a copy of the latest annual report to the stockholders, if available, and a copy of its articles of incorporation and by-laws must be attached. For each affiliate which is a partnership, attach a copy of its partnership agreement.

13a.	Names & addresses (Street, City, State & Zip Code)	% of voting stock or ownership of concern held by applicant	% of voting stock or ownership of applicant held by concern	Major products or services of concern (include SIC code)
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13b.	Names & addresses of owners, partners, officers, directors, and principal stockholders of each concern listed 13a. (Street, City, State, & Zip Code)	Position Held	% of voting stock or ownership of concern
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13c. Number of employees of each concern listed in 13a. (Attach separate sheet if needed.)

1. _____	_____
concern	# of employees
2. _____	_____
concern	# of employees
3. _____	_____
concern	# of employees

13d. Total sales or receipts of each concern for each of its most recently completed three fiscal years as of the date of application or offer. For the purpose of Economic Injury Disaster Loans, show the sales for the three fiscal years completed prior to the disaster.

1, _____	2, _____	3, _____
concern	concern	concern
19 _____ \$ _____	19 _____ \$ _____	19 _____ \$ _____
19 _____ \$ _____	19 _____ \$ _____	19 _____ \$ _____
19 _____ \$ _____	19 _____ \$ _____	19 _____ \$ _____
Total _____ \$ _____	Total _____ \$ _____	Total _____ \$ _____

14a. Are any of the persons listed in question 13b above also owners, partners, directors, officers or principal stockholders in any other company?
_____ Yes _____ No If answer is yes, complete section 14b below.

14b.	Name of Person	Name of company and its address (Street, City, State & Zip Code)	Position Held	% of voting stock or ownership of company held
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Part V. Information relating to applicant and alleged, acknowledged or possible affiliates.

Note: Complete questions 15 through 22 in all cases where you are contesting an alleged affiliation. If you are not contesting an alleged affiliation, complete questions 15 through 22 only if requested by SBA. For size determinations pertaining to procurement programs, questions 23-29 must also be completed. Attach a separate explanation for any question answered "yes."

15. Have any owners, officers, directors, key employees or supervisors of applicant ever been employed by or performed similar work for any of the alleged, acknowledged or possible affiliates? _____ Yes _____ No

16. At the time of bid opening or application for assistance or at the present, have any services been performed by applicant for any of the alleged, acknowledged or possible affiliates, or vice versa? _____ Yes _____ No

17. At the time of the bid opening or application for assistance, did applicant share any facilities, equipment, or personnel with any of the alleged, acknowledged or possible affiliates? (e.g. telephone lines, office space, vehicles, receptionist, etc.) _____ Yes _____ No

18. In preparing the subject bid or application for assistance, was any assistance provided by an alleged, acknowledged or possible affiliate to the applicant or by the applicant to an alleged, acknowledged or possible affiliate? _____ Yes _____ No

19. Have there been or are there any current financial obligations between applicant and an alleged, acknowledged or possible affiliate?
_____ Yes _____ No

20. Are there any individuals who have signed or are expected to sign documents to facilitate the ability of applicant to receive indemnifications or credit guarantees, who are not owners, officers, directors, employees, partners, or principal stockholders of applicant? _____ Yes _____ No

21. Does any family member of an owner, partner, officer, director, or principal stockholder of applicant have an ownership interest in any of the alleged, acknowledged or possible affiliates? _____ Yes _____ No

22. Has SBA ever determined the applicant to be affiliated with any of the alleged, acknowledged or possible affiliates, or, to the best of your knowledge, determined any of the alleged, acknowledged or possible affiliates to be affiliated with each other? _____ Yes _____ No. If yes, attach a copy of the determination(s) if available, or describe the determination(s) made by SBA.

23. Will any of the alleged, acknowledged or possible affiliates, or any of their principals, provide an indemnity or guaranty to a surety to facilitate a contract award to applicant? _____ Yes _____ No. Has such an indemnity or guaranty been provided within the past two years?
_____ Yes _____ No

24. Have any of the alleged, acknowledged or possible affiliates assisted in arranging for any of the subcontractors needed for performance of this contract or any contract awarded to applicant within the past two years? _____ Yes _____ No

25. Have there been or are there any actual or proposed subcontracts between applicant and any of the alleged, acknowledged or possible affiliates?
_____ Yes _____ No

26. Were there any discussions as to specific terms or conditions relating to the subject contract which took place between applicant and any of the alleged, acknowledged or possible affiliates prior to bid opening? _____ Yes _____ No

27. Will any of the alleged, acknowledged or possible affiliates perform more than 25 percent of this contract? _____ Yes _____ No

28. If applicant were to be terminated for default on this or any other contract, would there be any financial impact on any of the alleged, acknowledged or possible affiliates or their principals? _____ Yes _____ No

29. Did the procuring activity mail your current bidding documents directly to any address other than applicant's current business address?
_____ Yes _____ No

SMALL BUSINESS ACT PENALTIES FOR VIOLATIONS:

Section 16(a) of the Small Business Act, as amended, (the "Act") (15 USC 645 (a)), makes it a criminal offense punishable by fine of not more than \$5,000 or imprisonment for not more than two (2) years, or both, to make a willfully false statement or misrepresentation to the Small Business Administration (SBA) for the purpose of influencing in any way the action of the SBA for the purpose of obtaining a loan or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security thereof, or for the purpose of obtaining money, property, or anything of value.

Section 16(d) of the Act, (15 USC 645(d)), makes it a criminal offense to misrepresent in writing the status of any concern as a "small business concern" in order to obtain for oneself or another any prime contract to be awarded pursuant to section 9 or 15 of the Act, or any subcontract to be awarded pursuant to section 8(a) of the Act, or any subcontract included as part or all of a goal contained in a subcontracting plan required pursuant to section 8(d) for the Act, or any prime or subcontract to be awarded as a result or in furtherance of any other provisions of Federal law that specifically references section 8(d) of the Act a definition of program eligibility (such as the Small Disadvantaged Business contracting program). Violations of section 16(d) are punishable by a fine of not more than \$500,000 or by imprisonment for not more than ten years or both, and can result in certain administrative remedies, including suspension and debarment.

CERTIFICATION:

I hereby certify that all information contained above and in exhibits and attachments hereto is true and complete to the best knowledge and belief of the applicant and is submitted for the purpose of inducing the Small Business Administration to make a determination as to the size of the applicant, in order that the applicant may receive assistance as a small business under any of the laws administered by the Small Business Administration.

(Individual, partnership, trade name or corporation)

By _____

Title _____

Date _____

PLEASE NOTE: The estimated burden hours for the completion of this form is 4 hours per response. You will not be required to respond to this information collection if a valid OMB approval number is not displayed. If you have any questions or comments concerning this estimate or any other aspect of this information collection, please contact the U.S. Small Business Administration, Chief, Administrative Information Branch, 409 3rd St., S.W., Washington, D.C. 20416 and/or Office of Management and Budget, Clearance Officer, Paperwork Reduction Project (3245-0101), Washington, D.C. 20503.

